

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

WEALTH TAX REFERENCE No 70 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI and  
MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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COMMISSIONER OF WEALTH TAX

Versus

SAHYADRI ASSOCIATES  
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Appearance:

B.B.NAYAK with MR MANISH R BHATT for Petitioner  
Respondent served  
  
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CORAM : MR.JUSTICE R.K.ABICHANDANI and  
MR.JUSTICE A.R.DAVE

Date of decision: 29/01/98

ORAL JUDGEMENT (Per R.K.Abichandani,J.)

The Income Tax Appellate Tribunal, Ahmedabad has referred for the opinion of this Court the following question under Section 27(1) of the Wealth Tax Act, 1957.

"Whether the Appellate Tribunal is right in law  
and on facts in holding that since the wealth of  
the assessee discretionary trust is below the  
exemption limit wealth tax cannot be charged at  
maximum marginal rate?"

A similar question has been answered by us today  
in Wealth Tax Reference No. 43/93. Since the facts are  
similar and the question involved almost identical, we do  
not find it necessary to reproduce the facts of this  
case. For the reasons given by us in our judgement and  
order delivered in Wealth Tax Reference No. 43/93 today,  
we answer the question referred to us in the affirmative  
in favour of the assessee and against the Revenue. The  
reference stands disposed of accordingly with no order as  
to costs.

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\*/Mohandas